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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,337	01/26/2004	Jukka Linjama	042933/272349	9880
826	7590	10/05/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			WALK, SAMUEL J	
		ART UNIT		PAPER NUMBER
				2632

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/765,337	LINJAMA ET AL.
	Examiner Samuel J. Walk	Art Unit 2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Application dated 01/26/2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 16-21 and 39-42 is/are allowed.
- 6) Claim(s) 1-10, 12-15 and 22-28 is/are rejected.
- 7) Claim(s) 11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/26/2004, 7/5/05
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10, 12, 22-29 and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalkanen (US 2005/0083181) in view of Duarte (US 20040145564).

In reference to Claim 1, Jalkanen discloses a method, terminal and computer product for adjusting power consumption of an RFID reader and associated with a mobile terminal wherein claimed transceiver met by transceiver 48, see para. [0027]; claimed mobile terminal met by mobile terminal 10, see para. [0027]; claimed processor met by processor 33 and controller 32, see para. [0058]; claimed transceiver-controlling input met by switch 61 which changes the operational mode of the transceiver 48, see para [0028]. Jalkanen does not disclose switch 61 changes the operational mode based upon a level of motion (acceleration of the unit). However, Duarte teaches of a data

procession device having multiple display and keyboard orientations wherein motion sensors are configured within the data processing device 200 to detect its orientation and responsively generate control signals which switch between operational modes, see para. [0045]. It is obvious that in order to produce a control signal from a motion there is a threshold that must be surpassed. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporate the teachings of Duarte into the system of Jalkanen because motion/acceleration activated switches would provide the user with hands-free operation and thus increase convenience.

In reference to Claims 2-4, Jalkanen further discloses that transceiver 48 also includes RFID, IR and Bluetooth, see para. [0026].

In reference to Claim 5, see above rejection in reference to Claim 1. In addition, Jalkanen further discloses that operational modes include sleep and active. It would have been obvious to one having ordinary skill in the art at the time the invention was made that active mode would activate the transceiver.

In reference to Claim 6, Jalkanen further discloses the RFID interrogation frequency may be altered by changing the

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operational mode of the RFID transceiver. For example, the operational mode of the RF transceiver 48 may be changed among a full-power active mode, one or more partial power modes, a low-power sleep mode, an off mode, and/or any other operational modes known to those skilled in the art, such as via a switch 61, as described above. As such, each of the operational modes may be associated with a RFID interrogation frequency and, thus, the RFID interrogation frequency changes accordingly as the associated operational mode changes, see para. [0058].

In reference to Claim 7, see above rejections in reference to Claims 5 and 6.

In reference to Claim 8, see above rejection in reference to Claim 1.

In reference to Claim 9, see above rejection in reference to Claim 6.

In reference to Claim 10, see above rejection in reference to Claim 1. In addition, one having ordinary skill in the art would have readily recognized that utilizing a motion activated operational mode switch would indicate user-initiated inputs and thus would include intentional gestures.

In reference to Claim 12, see above rejection in reference to Claim 1.

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In reference to Claim 22, see above rejection in reference to Claim 6.

In reference to Claim 23, see above rejection in reference to Claim 5. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made that reduction of power when a threshold is not exceeded constitutes a sleep mode.

In reference to Claim 24, see above rejection in reference to Claim 5. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the increase of power when a threshold is exceeded constitutes an active mode.

In reference to Claims 25-26, Jalkanen further discloses changes in the RFID interrogation frequency based upon any change in the tags detected during an interrogation, embodiments of the method of present invention could alternatively utilize thresholds over which the tags in the area proximate the mobile terminal must change before the RFID interrogation frequency changes. For example, if the threshold is five, then the number and/or type of RFID tags in the area proximate the mobile terminal must change by five or more as compared number and/or type of RFID tags detected in a previous RFID interrogation before the RFID interrogation frequency can change accordingly.

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In addition, in certain embodiments, the amount the RFID interrogation frequency is altered may depend upon the number of different RFID tags detected in the area proximate the mobile terminal as compared to a previous RFID interrogation, see para. [0057].

In reference to Claim 27-29, see above rejections in reference to Claims 7-9, respectively.

In reference to Claim 32, see above rejection in reference to Claim 28.

In reference to Claim 33, see above rejections in reference to Claims 8 and 28. In addition, see Claim 1 of Jalkanen.

In reference to Claim 34-37, see above rejections in reference to Claims 23-25. In addition, see Claim 3 of Jalkanen.

In reference to Claim 38, see above rejection in reference to Claim 27.

3. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalkanen in view of Duarte and in further view of Lilja (US 2004/0181703).

In reference to Claim 13, Jalkanen and Duarte disclose a system for power consumption of a mobile terminal and transceivers based on measured motion. Jalkanen and Duarte do

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not disclose deactivation after a predetermined time period. However, Lilja teaches of selecting operation modes in an electronic device wherein if the movement of the device has stopped for a sufficient period of time, the device is switched over to a sleep mode, see para. [0028]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Lilja into the system of Jalkanen and Duarte because deactivation, or in other words, sleep mode, overall power consumption would be decreased.

In reference to Claim 30, see above rejections in reference to Claims 28 and 13.

4. Claims 14-15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalkanen in view of Duarte and in further view of Sakai (US 2003/0100295).

In reference to Claims 14-15, Jalkanen and Duarte disclose a system for changing operational modes based on motion. Jalkanen and Duarte do not disclose providing feedback that the transceiver was activated. However, Sakai teaches of Communication apparatus wherein screen 48 indicates that the mobile phone is in sleep mode, see para. [0127]. One having ordinary skill in the art would have readily recognized that a

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display indicating sleep mode would also display other modes of operations such as active, semi-active, etc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sakai into the system of Jalkanen and Duarte because visual confirmation of operational status allows the user to manage power consumption more effectively.

In reference to Claim 31, see above rejections in reference to Claims 28 and 14.

Allowable Subject Matter

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to show intentional gestures including tapping, shaking or knocking.

6. Claims 16-21 and 39-42 allowed.

7. The following is an examiner's statement of reasons for allowance:

In reference to Claims 16-21, Prior art fails to show altering the power state of a motion sensing device upon

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exceeding a first threshold and altering the power state of a transceiver upon exceeding a second threshold.

In reference to Claims 39-42, Prior art fails to show a processor in communication with a sensor and a reader that determines if an acceleration of a secondary mobile terminal device exceeds a threshold and provides activation to the read upon determination that the acceleration does exceed said threshold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Landt (US 6677852) discloses a system and method for automatically controlling or configuring a device, such as an RFID reader. Turner (US 5305008) discloses a transponder system. Hinckley (US 2003/0085870) discloses a method and apparatus using multiple sensors in a device with a display. Suda (US 2004/0102159) discloses a mobile terminal, control device,

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communication system and method. Nagasaki (US 6300933) discloses an electronic apparatus and a control method thereof. Linjama (US 2004/0169674) discloses a method for providing an interaction in an electronic device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J. Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Mullen, Jr.
Primary Examiner
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